

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
MARCH 27, 2007
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:34 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Jose Alexandro Lozano, Presi Ortega, Jr., Steve Ortega, and Beto O'Rourke. Late arrivals: Susannah M. Byrd and Eddie Holguin at 8:37 a.m. during Executive Session deliberations and Melina Castro at 8:43 a.m. during Executive Session deliberations. The invocation was given by Fire Chaplain Ed Sinke, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. **ORO TEMPLE & ORO COURTS POTENTATE AND COMMANDRESS CELEBRATION**
2. **MENTAL RETARDATION & DEVELOPMENTAL DISABILITIES FOCUS**
3. **MS. DANA BOYD "TEXAS TEACHER OF THE YEAR" DAY**
4. **NATIONAL PROFESSIONAL SOCIAL WORK MONTH 2007**

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Marvin Rosenbaum
2. Ms. Esther Perez
3. Mr. Stuart Blaugrund
4. Mr. Jerry Rosenbaum
5. Ms. Edie Zuvanich

Representative Byrd commented.

Motion made by Representative Byrd, seconded by Representative Castro to **SUSPEND THE RULES OF ORDER** and allow Ms. Edie Zuvanich and Mr. Jerry Rosenbaum to address the Council after the sign-up period.

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Motion made by Representative O'Rourke, seconded by Representative Lilly, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 8:34 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

| | |
|-----------------|--|
| Section 551.071 | CONSULTATION WITH ATTORNEY |
| Section 551.072 | DELIBERATION REGARDING REAL PROPERTY |
| Section 551.073 | DELIBERATION REGARDING PROSPECTIVE GIFTS |
| Section 551.074 | PERSONNEL MATTERS |
| Section 551.076 | DELIBERATION REGARDING SECURITY DEVICES |
| Section 551.087 | DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS |

Discussion and action on the Executive Session items listed on the Agenda.

AYES: Representatives Lilly, Lozano, Presi Ortega, Jr., Steve Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Byrd, Castro, and Holguin

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **ADJOURN** the Executive Session at 9:39 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Lozano, Presi Ortega, Jr., and O'Rourke

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EX1. Discussion of the legal issues relating to the Sexually Oriented Business Ordinance. (551.071).

NO ACTION was taken on the item.

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EX2. Discussion and action on the lease agreement between the City of El Paso and the El Paso Science Museum - Insights. (551.071) and (551.072).

Mayor Cook and Representatives Lozano, Holguin, Byrd, Castro, O'Rourke, Lilly, Presi Ortega, Jr., and Steve Ortega commented.

Ms. Joyce Wilson, City Manager, commented

Mr. Charlie McNabb, City Attorney, and Ms. Terri Cullen-Garney, Deputy City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Michael Ancell, Insights Science Museum
2. Mr. Ray Gilbert
3. Ms. Cheri Hallberg

1ST MOTION

Motion made by Representative Holguin, seconded by Representative Castro, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow additional speakers to address the Council after the sign-up period.

2ND AND FINAL MOTION

Motion made by Representative Holguin, seconded by Representative Castro, and carried to **POSTPONE** the item for one week.

AYES: Mayor Cook and Representatives Lozano, Castro, Presi Ortega, Jr., and Holguin

NAYS: Representatives Lilly, Byrd, Steve Ortega, and O'Rourke

Mayor Cook broke the tie, voting aye.

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EX3. Desert Adapt vs. City of El Paso; Cause No. EP-06-CV-292-DB. (551.071).

Motion made by Mayor Pro Tempore Presi Ortega, seconded by Representative Steve Ortega, and unanimously carried that the City Attorney's Office be authorized to **REJECT** Plaintiff's settlement demand and authorized settlement authority, to negotiate settlement agreement, and sign all necessary documents to resolve the lawsuit styled Desert Adapt vs. The City of El Paso; Cause No. EP-06-CV-292-DB.

NOT PRESENT FOR THE VOTE: Representative Holguin

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EX4. Melina Castro vs. Charlie McNabb. (551.071).

*Motion made, seconded, and unanimously carried to **DELETE** this item.

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lilly, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke
NAYS: None

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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of March 20, 2007, and the Special City Council Meeting of March 20, 2007 (El Paso Science Museum - Insights).

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2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS

NO ACTION WAS TAKEN on the item.

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3A.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, a National and Global Youth Service Day project of cleaning up Ascarate Park has been planned for April 21, 2007;

WHEREAS, funding is needed for supplies and drinks for the youth volunteers who will participate in this activity;

WHEREAS, Ascarate Park is located within the City limits, and uncleaned trash and debris from the Park can blow into area neighborhoods and on the City's rights-of-way and create an eyesore and health hazard;

WHEREAS, the City Council finds that the activities conducted and promoted are of the same types of activities promoted by the City within its established programs and that providing funding to assist with this event constitutes an important public purpose or benefit to the City and citizens of El Paso for which the City expended discretionary funds.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council finds that the activities conducted and promoted as part of the National and Global Youth Service Day project of cleaning up Ascarate Park constitutes an important public purpose to the City for the expenditure of District 3 discretionary funds in the amount of \$200.00.

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3B.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, in accordance with Chapter 18.50 of the El Paso Municipal Code, the Building Standards Commission of the City of El Paso, by Order dated the 31st day of May, 2006, after due notice and hearing, ordered Francisco Manuel Trueba, record Owner of the hereinafter described property that the Building(s) be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Building(s) and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to demolish the Building(s) and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for the Development Services Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of demolishing the Building(s) and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 24, Singh Addition, an addition to the City of El Paso, being more particularly described in Volume 627, Page 383, Deed Records, El Paso County, Texas, municipally known and numbered as 9203 Santa Rosalia Court, El Paso, Texas,

to be \$26,147.74, performed by the Street Department of the City of El Paso, and \$1,949.39, performed by the City Attorney's Office and the City Clerk's Office, making a total of \$28,097.13. The City Council finds that the work was completed on the 30th day of November, 2006, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of TWENTY-EIGHT THOUSAND NINETY-SEVEN AND 13/100 DOLLARS (\$28,097.13) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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3C.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, Section 271.102(a) [Cooperative Purchasing Program Participation] of the Texas Local Government Code allows a local government to participate in a cooperative purchasing program with another local government or a local cooperative organization. Section 271.102(c) provides that a local

government that purchases goods or services under Subchapter F [Cooperative Purchasing Program] of the Local Government Code satisfies any state law requiring the local government to seek competitive bids for the purchase of the goods or services;

WHEREAS, the City desires to participate in the Region 4 Education Service Center and The Cooperative Purchasing Network (the "**Program**"). The purpose of this cooperative is to obtain substantial savings for member school districts and public entities through volume purchasing; and

WHEREAS, the City has reviewed the benefits of participating in the Program and based on this review has concluded that the Program will benefit City of El Paso taxpayers through anticipated procurement savings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City is hereby authorized to participate in the Program; and

That the City Manager is hereby authorized to execute any and all documents which are necessary to effectuate the intent of this resolution including but not limited to an interlocal agreement.

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3D.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso that the Victim Services Response Team be operated for the July 1, 2007 – June 30, 2008 year; and

WHEREAS, the El Paso City Council agrees to provide applicable matching funds for the said project as required by the Office of the Governor grant application; and

WHEREAS, the El Paso City Council agrees that in the event of loss or misuse of the Criminal Justice Division funds, the El Paso City Council assures that the funds will be returned to the Criminal Justice Division in full.

WHEREAS, the El Paso City Council designates City Manager Joyce Wilson as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the El Paso City Council approves submission of the grant application for the Victim Services Response Team project to the Office of the Governor, Criminal Justice Division.
2. The City Manager be authorized to sign the grant application including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant in the amount of \$99,076.16, from the City of El Paso Police Department to the Office of the Governor, Criminal Justice Division, for the purpose of continuing the efforts of the Police Department's Victim Services Response Team.
3. The City of El Paso agrees to provide cash matching funds in the amount of \$25,112.32 and in-kind match of \$66,542.00.

4. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.
5. The City Manager be authorized to sign Cooperative Working Agreements relating to the grant with the following agencies: El Paso County Sheriff's Office; Court Appointed Special Advocates; Diocesan Migrant and Refugee Services, Inc., Battered Spouse Program; STARS; El Paso County District Attorney, Victim Assistance Program; El Paso County District Attorney, Domestic Violence Unit; El Paso County Attorney's Office, VOCA Protective Orders Program; Center Against Family Violence; Advocacy Center for the Children of El Paso; West Texas Community Supervision and Corrections Department, Victim Services Program; Rio Grande Council of Governments; and Family Service of El Paso, Crime Survivors Counseling Program.

4. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Trinidad B. Acosta to the Foster Grandparent Program Advisory Council by Representative Beto O'Rourke, District 8.

5. APPLICATIONS FOR TAX REFUND

*Motion made, seconded, and unanimously carried that the following tax refunds be **APPROVED**:

- A. American R V in the amount of \$79,274.86 overpayment of 2004 taxes. (PID #2002-000-2743-0014).
- B. Escrow, Inc. in the amount of \$4,269.46 overpayment of 2006 taxes. (PID #A462-999-0800-0100).
- C. ERE-Family LP in the amount of \$10,469.52 overpayment of 2006 taxes. (PID #A765-999-001A-0322).
- D. William A. Flory in the amount of \$3,603.17 overpayment of 2006 taxes. (PID #C102-000-0080-1300).
- E. Valerie T. Maros in the amount of \$2,836.62 overpayment of 2006 taxes. (PID #C214-999-0020-6200).
- F. Del Norte First American Title Company in the amount of \$3,761.29 overpayment of 2006 taxes. (PID #C231-999-0070-4900).
- G. First American R/E Tax Service in the amount of \$4,255.73 overpayment of 2006 taxes. (PID #C340-999-0830-5500).
- H. First American R/E Tax Service in the amount of \$5,487.49 overpayment of 2006 taxes. (PID #C340-999-0930-2500).
- I. First American R/E Tax Service in the amount of \$4,649.70 overpayment of 2006 taxes. (PID #C340-999-1520-2600).
- J. First American R/E Tax Service in the amount of \$3,567.72 overpayment of 2006 taxes. (PID #C518-999-0930-1700).

- K. Wells Fargo Real Estate Tax Services in the amount of \$3,501.71 overpayment of 2006 taxes. (PID #C742-999-0010-2200).
- L. William Van Haselen in the amount of \$9,794.20 overpayment of 2006 taxes. (PID #C801-999-0060-8500).
- M. Sirva Relocation LLC in the amount of \$7,906.00 overpayment of 2006 taxes. (PID #C834-999-0050-1500).
- N. First American R/E Tax Service in the amount of \$3,274.95 overpayment of 2006 taxes. (PID #G569-999-1270-9100).
- O. Enrique Cervantes or Assigns in the amount of \$18,584.23 overpayment of 2006 taxes. (PID #H213-999-0010-0200).
- P. Rafael Banuelos in the amount of \$2,811.74 overpayment of 2005 taxes. (PID #K982-999-0020-5500).
- Q. Jeffrey A. Gabbert in the amount of \$5,827.81 overpayment of 2006 taxes. (PID #L714-999-0070-1000).
- R. Lone Star Title in the amount of \$2,643.52 overpayment of 2006 taxes. (PID #M090-999-0110-1500).
- S. Zanos Foods, Inc. in the amount of \$19,521.91 overpayment of 2006 taxes. (PID #M302-999-0010-0100).
- T. Stewart Title in the amount of \$5,368.79 overpayment of 2006 taxes. (PID #M327-999-0080-3000).
- U. St. Mark's United Methodist Church in the amount of \$3,656.78 overpayment of 2006 taxes. (PID #M709-999-0000-3100).
- V. First American R/E Tax Service in the amount of \$3,606.65 overpayment of 2006 taxes. (PID #S373-999-002A-0460).
- W. Ruben L. and Melissa A. De La Rosa in the amount of \$2,937.79 overpayment of 2006 taxes. (PID #S380-999-0110-4200).
- X. Hector and Mireya Lopez in the amount of \$4,524.06 overpayment of 2006 taxes. (PID #S533-000-0010-16A0).
- Y. Sierra Title Company in the amount of \$4,256.69 overpayment of 2006 taxes. (PID #S533-000-0270-05V0).
- Z. First Savings Bank in the amount of \$3,685.06 overpayment of 2006 taxes. (PID #S636-999-000C-0600).
- AA. Manuel Morales in the amount of \$3,820.16 overpayment of 2006 taxes. (PID #S814-999-0130-0100).

- BB. Accredited Home Lenders in the amount of \$7,016.73 overpayment of 2006 taxes. (PID #U819-999-008C-0685).
- CC. First American R/E Tax Service in the amount of \$3,022.51 overpayment of 2006 taxes. (PID #U823-999-0010-0060).
- DD. First American R/E Tax Service in the amount of \$6,148.44 overpayment of 2006 taxes. (PID #U823-999-0010-0540).
- EE. First American R/E Tax Service in the amount of \$3,500.81 overpayment of 2006 taxes. (PID #V893-999-1650-1300).
- FF. Accredited Home Lenders in the amount of \$2,518.99 overpayment of 2006 taxes. (PID #V893-999-3870-4100).
- GG. FIS Tax Services in the amount of \$3,197.81 overpayment of 2006 taxes. (PID #V893-999-4140-1101).
- HH. Simon Mata and Celia Mata in the amount of \$3,898.84 overpayment of 2006 taxes. (PID #V897-999-0310-0600).
- II. Stewart Title in the amount of \$2,692.80 overpayment of 2006 taxes. (PID #V927-999-0240-0700).
- JJ. EKG Rental Properties in the amount of \$5,143.01 overpayment of 2006 taxes. (PID #W145-999-0040-0700).
- KK. EKG Rental Properties in the amount of \$5,132.02 overpayment of 2006 taxes. (PID #W145-999-0040-0800).
- LL. First American R/E Tax Service in the amount of \$2,964.54 overpayment of 2006 taxes. (PID #W145-999-0440-4300).

6A. BUDGET TRANSFER

*Motion made, seconded, and unanimously carried to **APPROVE** budget transfer BT2007-655, AIRPORT. This budget transfer is to set up the appropriations associated with the cost of the Pavement Management Study Project.

| | | | |
|----------|-----------|----|-----------------------|
| Increase | \$400,000 | to | Fund Balance Transfer |
| Increase | \$400,000 | to | Construction |

6B. BUDGET TRANSFER

*Motion made, seconded, and unanimously carried to **APPROVE** budget transfer BT2007-656, AIRPORT. This budget transfer is to set up the appropriations associated with the cost of the Air Cargo #2 Roofing Project. (District 3)

| | | | |
|----------|-----------|----|-----------------------|
| Increase | \$213,000 | to | Fund Balance Transfer |
| Increase | \$213,000 | to | Construction |

Motion made by Representative Lilly, seconded by Representative Byrd, and unanimously carried to **RECESS** the City Council Meeting at 11:32 a.m. in order to convene the Mass Transit Department Board Meeting.

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

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Motion made by Representative Steve Ortega, seconded by Representative O'Rourke, and unanimously carried to **RECONVENE** the City Council Meeting at 12:21 p.m.

NOT PRESENT FOR THE VOTE: Representative Holguin

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7A – 7E. INTRODUCTIONS

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

- A. An Ordinance amending Title 10 (Public Peace, Morals, and Welfare), Chapter 10.24 (Miscellaneous Offenses) adding Section 10.24.040 (Sex Offender Residency Regulation) of the El Paso City Code to create restrictions on sex offenders' residency to prohibit certain sex offenders from residing within 1,000 feet of where children commonly gather; providing for definitions and affirmative defenses; providing for injunctions; the penalty being as provided in Section 1.08.010 to 1.08.030 of the El Paso Municipal Code.
- B. An Ordinance granting a Special Privilege to the Annunciation House, Inc. to temporarily close a portion of San Antonio Avenue from Florence Street to Hills Street; Olive Avenue from San Antonio Avenue to Tays Street; Overland Avenue from Virginia Street to Hills Street; Virginia Street from Magoffin Avenue to San Antonio Avenue; and St. Vrain Street from Magoffin Avenue to Paisano Drive on April 14, 2007, for an "Open-Air Mass". (Fee: \$137.50). SPL07-00003.
- C. An Ordinance amending Title 19 (Subdivisions) of the El Paso City Code by amending Chapter 19.12 (Parkland Dedication), Section 19.12.090 (Bonus Reductions for Recreational Improvements) amending Subsection 19.12.090A. (Bonus Reduction Applicability) in order to allow for up to a one hundred percent bonus reduction for private amenities provided within single-family and two-family development. The penalty being as provided in Section 19.04.190 of the El Paso City Code.

Representative Byrd commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 3. Mr. Barry Russell, Assistant Director of Parks and Recreation

PUBLIC HEARING WILL BE HELD ON APRIL 10, 2007, FOR ITEM 7A-7C

- D. An Ordinance changing the zoning of Lots 6-9, Block 7, Eastwood Section 1, City of El Paso, El Paso County, Texas, from R-3 (Residential) to C-1 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 7922, 7918, 7914 Boxwood Circle and 7900 Bois D' Arc Drive. Applicant: El Paso Healthcare System, LTD. ZON06-00138

- E. An Ordinance changing the zoning of Tract 8B1, Block 11, Upper Valley Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-2 (Residential) and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. ZON06-00154.

PUBLIC HEARING WILL BE HELD ON APRIL 17, 2007, FOR ITEMS 7D-7E

NOT PRESENT FOR THE VOTE: Representative Holguin

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8A.

ORDINANCE 16593

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS: PARCEL 1: A PORTION OF TRACT 2B2, SECTION 45, AND A PORTION OF TRACT 1, SECTION 46, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO R-3A (RESIDENTIAL); PARCEL 2: A PORTION OF TRACT 1, SECTION 46, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO R-5 (RESIDENTIAL); PARCEL 3: A PORTION OF TRACT 1, SECTION 46, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO A-O (APARTMENT/OFFICE); PARCEL 4: A PORTION OF TRACT 2B2, SECTION 45, AND A PORTION OF TRACT 1, SECTION 46, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-3 (COMMERCIAL) AND IMPOSING CONDITIONS; PARCEL 5: A PORTION OF TRACT 1, SECTION 46, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, CITY OF EL PASO, EL PASO, COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-1 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Ms. Kelly Carpenter, Deputy Director of Planning, presented a PowerPoint presentation (on file in the City Clerk's office).

Representative Presi Ortega, Jr. commented.

Mr. Jorge Ascarate, GFA, LLC. (applicant), commented.

Motion duly made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lilly, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Castro

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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8B.

ORDINANCE 16594

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS: PARCEL 1: LOT 2, BLOCK 5, CAMELOT HEIGHTS UNIT 2, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM A-3/O/SC (APARTMENT/OFFICE HIGH**

DENSITY/SPECIAL CONTRACT) TO R-3A/SC (RESIDENTIAL/SPECIAL CONTRACT); AND PARCEL 2: LOT 2, BLOCK 6, CAMELOT HEIGHTS UNIT 2, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM A-O/SC (APARTMENT/OFFICE/SPECIAL CONTRACT) TO R-3A/SC (RESIDENTIAL/SPECIAL CONTRACT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

Ms. Kelly Carpenter, Deputy Director of Planning, presented a PowerPoint presentation (on file in the City Clerk's office).

Representative Lilly commented.

Mr. Richard Schechter, citizen, commented.

Motion duly made by Representative Lilly, seconded by Representative Lozano, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Castro

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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9. PUBLIC HEARING – MAYOR AND COUNCIL

An Ordinance limiting the use of the Power of Eminent Domain on non-blighted private property in the redevelopment districts of the Downtown 2015 Plan.

Mayor Cook and Representatives Castro, Holguin, Byrd, and Presi Ortega commented.

Mr. Charlie McNabb, City Attorney, gave legal advice.

1ST MOTION

*Motion made by Representative Byrd, seconded by Representative Lilly, to **DELETE** the item. Motion to postpone took **PRECEDENCE**.

2ND AND FINAL MOTION

*Motion made by Representative Castro, seconded by Representative Holguin, and carried to **POSTPONE** the item for one week.

AYES: Representatives Lilly, Byrd, Castro, Presi Ortega, Jr., and Holguin

NAYS: None

ABSTAIN: Representative O'Rourke (affidavit to recuse on file in City Clerk's Office)

NOT PRESENT FOR THE VOTE: Representative Lozano and Steve Ortega

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10A.

ORDINANCE 16595

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.200 (SCHEDULE XVII - RESTRICTIONS ON PARKING IN RESIDENTIAL DISTRICTS), OF THE EL PASO CITY CODE TO REVISE ZONE A(2): NO PARKING, SEVEN A.M. TO SIX P.M. MONDAY THROUGH FRIDAY, TO AMEND AN ADDITIONAL**

AREA BOUNDED BY WEST YANDELL DRIVE, FEWEL STREET, MUNDY DRIVE, LAWTON DRIVE, MISSOURI AVENUE, PORFIRIO DIAZ STREET, MAIN STREET, AND FERN WAY. THE PENALTY BEING AS PROVIDED IN SECTION 12.85.110 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.

Representative O'Rourke commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

Motion duly made by Representative O'Rourke, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke
NAYS: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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10B.

ORDINANCE 16596

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.041 (SCHEDULE IV(A) - PARKING PROHIBITED DURING CERTAIN HOURS, SCHOOL DAYS ONLY), PARAGRAPH A, (NO PARKING 7:00 A.M. TO 4:00 P.M.) OF THE EL PASO CITY CODE BY ADDING ANISE DRIVE BETWEEN LEE TREVINO DRIVE AND MONTWOOD DRIVE, WEST SIDE ONLY. THE PENALTY BEING AS PROVIDED IN SECTION 12.85.110 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

Motion duly made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lilly, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke
NAYS: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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11A.

R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, the El Paso Fire and Police Pension Fund has been underfunded for decades; and

WHEREAS, in recent years the unfunded liability has reached crisis proportions, exceeding \$350 million; and

WHEREAS, for more than a decade the State Pension Review Board has monitored the situation and urged the City and Fund to solve the problem; and

WHEREAS, through mediation, the City and the Fund Board and Membership have agreed to a plan that will make changes that are expected to restore the Fund to fiscal health; and

WHEREAS, these changes include contribution increases by the membership, benefits reductions to future retirees, a second tier of benefits for newly hired members and the issuance of approximately \$200 million in Pension Obligation Bonds by the City; and

WHEREAS, as part of the plan, the Fund and the City have also agreed to propose changes to the section of State Law governing the plan, Vernon's Civ. Stat. Article 6243b; and

WHEREAS, these changes would provide that five members of the eleven member board would be appointed by the Mayor and City Manager and six members would be appointed from the members of the respective funds; the changes will give the City Council and the citizens of El Paso a say in any future benefits changes; and the changes will provide for a funding mechanism if the Plan should become underfunded again in the future.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City of El Paso affirms the action of the Mayor and City Attorney adding to its legislative packet for the legislative session 2006, a bill proposing certain changes to Article 6243b, Vernon's Civil Statutes, to eliminate the automatic membership of the Mayor, fire and police chiefs to the eleven member El Paso Fire and Police Pension Fund Board; to allow for the appointment of three citizens by the Mayor and two citizens by the City Manager; to give the City Council and/or the citizens a say over benefit changes; and to provide a permissive mechanism for ensuring the future proper funding of the Plan.

Mayor Cook and Representatives Castro, Holguin, Steve Ortega, Presi Ortega, Jr., and Lozano commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Charlie McNabb, City Attorney, gave legal advice.
3. Mr. William Studer, Deputy City Manager of Financial and Administrative Services

The following members of the public commented:

1. Ms. Lisa Turner
2. Mr. Richard Schecter

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lozano, and unanimously carried to **APPROVE** the Resolution.

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11B. MAYOR AND COUNCIL

Discussion and action on the signing of an Agreement on Cross Border Communication and Emergency Response strategies for the communities of Ciudad Juarez, Chihuahua, Mexico, the City of El Paso, Texas, United States, and the City of Sunland Park, New Mexico, United States.

*Motion made, seconded, and unanimously carried to **DELETE** the item.

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11C. MAYOR AND COUNCIL

Discussion and action on changing Title 9 to allow qualified senior citizens and disabled citizens to receive BOTH Solid Waste assistance in bringing trash to the curbside AND the Senior and Disabled Discount.

Mayor Cook and Representatives Byrd, Castro, Lozano, and Holguin commented.

Ms. Joyce Wilson, City Manager, and Said Larbi-Cherif, Assistant Director of Environmental Services, commented.

Mr. Richard Schechter, citizen, commented.

Motion made by Representative Byrd, seconded by Representative Lozano, and unanimously carried to **APPROVE** the item.

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11D. MAYOR AND COUNCIL

Discussion for safety measures that can be taken to protect pedestrians on North Mesa near the Cincinnati Street intersection. Discuss all safety efforts to better protect pedestrians.

Mr. Paul Cross, Assistant Police Chief, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Lilly, Castro, Lozano, Presi Ortega, Jr., Steve Ortega, O'Rourke, and Byrd commented.

Ms. Joyce Wilson, City Manager, and Mr. Ted Marquez, Engineering Division Manager, commented.

The following members of the public commented:

1. Ms. Lisa Turner
2. Mr. Richard Schechter
3. Mr. Matt Carroll
4. Mr. Chris Cummings
5. Mr. George Cisneros

1ST MOTION

Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow additional speakers to address Council after the sign-up period.

2ND MOTION

Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Cisneros an additional minute to address Council.

NO ACTION, other than the two procedural Motions, was taken on the item.

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12. ECONOMIC DEVELOPMENT

Discussion and action that the City Manager be authorized to sign a Personal Services Contract by and between the City of El Paso and Morris Pittle for the development, management, oversight, and launch of a brand identity campaign for the City of El Paso. The term of this Personal Services Contract shall be for the period of one year with 2 one-year options to extend.

Ms. Kathryn Dodson, Director of Economic Development, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Lozano, Byrd, Castro, Holguin, and Steve Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

1. Ms. Lisa Turner
2. Mr. Richard Schechter

Motion made by Representative Steve Ortega, seconded by Representative Lilly, and carried to **APPROVE** the item.

AYES: Representatives Lilly, Byrd, Presi Ortega, Jr., and Steve Ortega

NAYS: Representatives Lozano, Castro, and Holguin

ABSTAIN: Representative O'Rourke (affidavit to recuse on file in City Clerk's Office)

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13. FINANCIAL SERVICES - BID

Discussion and action on the award of Solicitation No. 2007-115 (Proprietary Parts & Service-Ford Motor Company) to Casa Ford Lincoln Mercury for a total estimated award of \$750,000.00.

| | |
|------------------------|---|
| Department: | General Services-Fleet |
| Award to: | Casa Ford Lincoln Mercury |
| | El Paso, Texas |
| Items: | Part A, #1 and Part B |
| Account No.: | 37370510 – 503121 – 503125 - 45202 |
| Funding Source: | General Services-Fleet Division Internal Service Fund |
| Total Estimated Award: | \$750,000.00 |

This is a requirements type contract with an initial term of thirty-six months.

The Departments of Financial Services and General Services-Fleet Division recommend award as indicated to the lowest responsive, responsible bidder.

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, and Mr. Terrence Freiburg, Purchasing Manager, commented.

Ms. Lisa Turner, citizen, commented.

Motion made by Representative Lilly, seconded by Representative Byrd, and unanimously carried to **APPROVE** the item.

NOT PRESENT FOR THE VOTE: Representatives Castro and Holguin

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14.

R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, Rio Bosque Wetlands Park and surrounding areas ("Rio Bosque") is a 372-acre nature area owned by the City of El Paso (the "City") and managed under license agreement by the University of Texas at El Paso (UTEP) with the goal of re-establishing the mosaic of native habitats characteristic of El Paso's river valley in pre-settlement days; and

WHEREAS, Rio Bosque was designated in 1993 as the site for creation of a shallow-water emergent wetland as mitigation for impacts associated with the federally-funded construction of the Rio

Grande American Canal Extension and with maintenance dredging on the Rio Grande Rectification Project; and

WHEREAS, to date, the mitigation commitment has not been realized due to lack of water at Rio Bosque during the growing season, thereby hindering the realization of Rio Bosque's full biological, educational, recreational and economic potential; and

WHEREAS, UTEP and others have identified potential negative impacts to Rio Bosque by the proposed "El Paso County Riverside Canal and Structure Improvement Project" ("the Project") that would be built by El Paso County Water Improvement District No. 1 (El Paso No. 1) with funding from the United States Bureau of Reclamation (USBR); and

WHEREAS, UTEP has submitted the "Rio Bosque Alternative" for consideration as an additional alternative to be included in USBR's draft Environmental Assessment (EA) for the Project; and

WHEREAS, Texas Parks & Wildlife, the Texas Forest Service and many other organizations and individuals have endorsed UTEP's "Rio Bosque Alternative" and recommended it be selected as the Preferred Alternative by the EA; and

WHEREAS, the "Rio Bosque Alternative" proposes the following five modifications to the Project that will mitigate the Project's negative impacts and help achieve the original 1993 mitigation commitment of creating a shallow-water emergent wetland at Rio Bosque:

- Constructing a turn-out from the Riverside Canal connecting to Rio Bosque's water channel to permit delivery of irrigation water made available through any assignments or transfers of water rights for the benefit of Rio Bosque;
- Establishing an administrative mechanism to enable long-term water-rights transfers from willing sellers or donors for the benefit of Rio Bosque;
- Constructing a connection at the downstream end of Rio Bosque to permit water that has flowed through the park and surrounding area to be delivered to the Riverside Canal for use by El Paso No. 1 irrigators;
- Diverting a flow of water through Rio Bosque during the irrigation season, measuring water flowing into and out of the park and surrounding area, and charging only the actual volume consumed against Rio Bosque's irrigation water allotment once water rights are secured for the benefit of Rio Bosque;
- Constructing a walkway across the Riverside Canal near the Partidor Check Structure to facilitate pedestrian access to Rio Bosque from City of El Paso property located on Socorro Road; and

WHEREAS, the City is supportive of the Rio Bosque Alternative.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

THAT, the City Manager be authorized to send a letter on behalf of the El Paso City Council to be addressed and delivered to the United States Department of the Interior Bureau of Reclamation Albuquerque Area Office, expressing the City of El Paso's desire that the "Rio Bosque Alternative" be incorporated into the Environmental Assessment and selected as the Preferred Alternative for the proposed "El Paso County Riverside Canal and Structure Improvement Project."

Representative Holguin commented.

Mr. Matt Carroll, citizen, commented.

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and unanimously carried to **APPROVE** the Resolution.

NOT PRESENT FOR THE VOTE: Representative Castro

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15. ZOO

Discussion and action on the Zoo Director's report on recommendations regarding the El Paso Zoo elephant program.

Steve Marshall, Zoo Director, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Holguin, Castro, Byrd, O'Rourke, Steve Ortega, Lilly, Lozano, and Presi Ortega, Jr. commented.

The following members of the public commented:

1. Mr. Ray Darnell, Director of Albuquerque Bio Park
2. Mr. Mike Keele, Deputy Director of the Oregon Zoo in Portland, Oregon
3. Mr. Matt Carroll
4. Ms. Lisa Turner

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Holguin, and carried to **APPROVE** the item.

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., and Holguin

NAYS: Representatives Steve Ortega and O'Rourke

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16A. CITY MANAGER

Discussion and action regarding the termination of the Memorandum of Agreement dated October 12, 1999, between the City of El Paso and the El Paso Empowerment Zone Corporation.

Mayor Cook and Representatives Byrd and Lozano commented.

Ms. Joyce Wilson, City Manager, and Ms. Deborah Hamlyn, Deputy City Manager of Quality of Life Services, commented.

Motion made by Representative Lozano, seconded by Representative Byrd, and unanimously carried to **APPROVE** the item.

NOT PRESENT FOR THE VOTE: Representative Holguin

16B.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, on January 19, 2006, City Council adopted the Strategic Plan- Citizen Involvement Policy, which directs the City to facilitate opportunities for citizens to be involved in local government; and

WHEREAS, a strategic goal of the Citizen Involvement Policy is to promote youth involvement in the community's future by establishing District Youth Councils and/or a city-wide Youth Advisory Board; and

WHEREAS, the Council desires to create the El Paso Youth Council, which will foster and develop youth leadership and service and increased communication with municipal leaders, for the purpose of fulfilling the Council's strategic goal of promoting youth involvement in the community's future; and

WHEREAS, the Council further desires the City Manager to implement the processes for recruitment of interested youths, activities, and management of the El Paso Youth Council.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the El Paso Youth Council is hereby authorized and established, subject to statements concerning the mission, membership, application criteria, recruitment, implementation, management, and budget, as specifically set forth in Exhibit "A" incorporated herein by reference;
2. That the City Manager or a designee is directed to take any actions necessary to effectuate the recruitment, activities, and management of the El Paso Youth Council; and
3. That the City Manager is directed to allocate the necessary funds to support the El Paso Council in each fiscal year's budget, with said designation for fiscal year 2007-08 in the amount \$5,000.00 from the City Manager's Budget Account No. 15010704-504406.

Mayor Cook and Representative Castro commented.

Ms. Deborah Hamlyn, Deputy City Manager of Quality of Life Services, commented.

Mr. Richard Schechter, citizen, commented.

Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **APPROVE** the Resolution.

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Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **ADJOURN** this meeting at 3:47 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk